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OFFICE OF PETITIONS

ON PETITION

In re Application of
Kayvan Hedayat et al.
Application No. 10/666,955
Filed: September 18, 2003
Attorney's Docket No. PCC120

This is a decision on the petition filed December 31, 2003 under 37 CFR 1.53, in response to the "Notice to File Missing Parts" mailed December 12, 2003.

The petition is **DISMISSED**.

The application was filed September 18, 2003. However, on December 12, 2003, the Office of Initial Patent Examination mailed a "Notice" stating that the application had been accorded a filing date of September 18, 2003, and advising applicants that Figures 22A-22C described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that no figures were missing on September 18, 2003. Instead, the application papers incorrectly included one sheet of drawings (sheet 21) which contained three figures labeled as Figure 22. The specification, however, referred to Figures 22A-22C rather than Figure 22. Additionally, a postcard receipt date stamped by the USPTO identifies the number of drawings sheets as 30 containing Figures 1-36.

It is obvious from the petition that no drawing was actually missing on September 18, 2003. Rather, the drawings were mislabeled and as a result of the applicants' filing error, only referred to the figures on sheet 21 as Figure 22. However, the "Notice" mailed on December 12, 2003, was correct in stating that Figures 22A-22C described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and the \$130.00 petition was required upon filing of the petition. Thus, the \$130.00 petition fee will not be refunded.

The Office of Initial Patent Examination will be notified to process the application with the filing date of September 18, 2003 and to use the application papers including 30 sheets of drawings filed on that date.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at 703-305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions